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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,455	02/19/2004	Michael Aaron Kaply	AUS920031049US1(4037)	5175
45557	7590	07/05/2006		
IBM CORPORATION (JSS) C/O SCHUBERT OSTERRIEDER & NICKELSON PLLC 6013 CANNON MOUNTAIN DRIVE, S14 AUSTIN, TX 78749			EXAMINER HARRIS, ANTON B	
			ART UNIT 2831	PAPER NUMBER

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,455

Applicant(s)

KAPLY ET AL.

Examiner

Anton B. Harris

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-52 is/are pending in the application.
- 4a) Of the above claim(s) 45-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892) *
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 45-52 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Inventions of claims 45-52 and of claims 33-44 are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)).

In this case the process as claimed can be practiced by another and materially different apparatus such as a television or transceiver.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 45-52 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 33-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farrand (3,614,541) in view of Wakabayashi et al. (6,025,993).

Regarding claim 33, Farrand (col. 2, lines 27-75) discloses an enclosure comprising: an interior surface 8-11 and an outside surface (figure 2) of the enclosure 7, the interior surface 8-11 enclosing the electronic device 12-17; mounting sites 2 to mount integrated circuits (col. 2, lines 38-42), wherein the mounting sites 2 couple with the interior surface 8-11; a pattern of interconnects 30 coupled with the interior surface 8-11 and interconnected with the mounting sites 2 to transmit signals between the integrated circuits (col. 2, lines 38-42), but lacks at least one switch coupled with the pattern of interconnects at the interior surface and exposed via the outside surface of the enclosure to receive input from outside of the enclosure.

Wakabayashi et al. (col. 17, lines 45-62) teaches at least one switch 580 coupled with the pattern of interconnects at the interior surface (col. 17, lines 58-60) and exposed via the outside surface of the enclosure (figure 14 near reference line 503) to receive input from outside of the enclosure (figure 14 near reference line 503).

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Farrand by providing at least one switch coupled with the pattern of interconnects at the interior surface and exposed via the outside surface of the enclosure to receive input from outside of the enclosure in order to provide a power source to the enclosure in view of the teachings of Wakabayashi et al.

Regarding claim 34, Farrand (col. 2, lines 27-75) discloses other components (col. 2, lines 38-42) coupled with the pattern of interconnects 30 via the mounting site 2.

Regarding claim 35, the teachings of Wakabayashi et al. further include that at least one switch 580 comprises an optical switch to toggle in response to a change in light sensed by the optical switch 580.

Regarding claim 36, the teachings of Wakabayashi et al. further include that at least one switch 580 comprises a pressure-sensitive switch coupled with the pattern of interconnects via one of the mounts.

Regarding claim 37, Farrand (col. 2, lines 27-75) discloses that the pattern of interconnects 30 comprises a conductive paint (abstract) applied directly to the enclosure 7, wherein the enclosure 7 is composed of a substantially non-conductive plastic.

Regarding claim 38, Farrand (col. 2, lines 27-75) discloses that the enclosure 7 is composed of a pliable material.

Regarding claim 39, Farrand (col. 2, lines 27-75) discloses that the pattern of interconnects 30 is coupled with the enclosure 7 via at least one layer of non-conductive laminate (abstract).

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Regarding claim 40, Farrand (col. 2, lines 27-75) discloses that the pattern of interconnects 30 applied to an interior surface 8-11 of the enclosure 7 comprises a layer of metal having portions etched away to reveal the pattern of interconnects 30.

Regarding claim 41, Farrand (col. 2, lines 27-75) discloses a system comprising: an enclosure 7 comprising an interior surface 8-11 and an outside surface (figure 2), the interior surface 8-11 enclosing an electronic device 12-17; integrated circuits (col. 2, lines 38-42); mounts 2 in the enclosure 7 to mount the integrated circuits (col. 2, lines 38-42), wherein the mounts 2 couple with the interior surface 8-11; a pattern of interconnects 30 couple with the interior surface 8-11 and interconnected with the mounts 2 to transmit signals between the integrated circuits (col. 2, lines 38-42), but lacks at least one switch coupled with the pattern of interconnects and exposed via the outside surface of the enclosure to receive input from outside of the system.

Wakabayashi et al. (col. 17, lines 45-62) teaches at least one switch 580 coupled with the pattern of interconnects and exposed via the outside surface of the enclosure (figure 14 near reference line 503) to receive input from outside of the system (figure 14 near reference line 503).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Farrand by providing at least one switch coupled with the pattern of interconnects and exposed via the outside surface of the system to receive input from outside of the system in order to provide a power source to the system in view of the teachings of Wakabayashi et al.

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Regarding claim 42, Farrand (col. 2, lines 27-75) discloses sensors (figure 2) to sense environmental conditions, the sensors (figure 2) being oriented to face the exterior of the enclosure 7.

Regarding claim 43, Farrand (col. 2, lines 27-75) discloses that the pattern of interconnects 30 resides on a laminate (abstract), the laminate (abstract) being adhered to the interior surface 8-11 of the enclosure 7.

Regarding claim 44, Farrand (col. 2, lines 27-75) discloses that the pattern of interconnects 30 is coupled with a circuit board 12-17 internal of the enclosure 7 to communicatively couple the integrated circuit with other components (col. 2, lines 38-42) mounted to the circuit board 12-17.

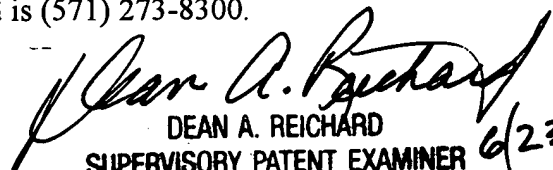
Response to Arguments

5. Applicant's arguments with respect to claims 33-44 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anton B. Harris whose telephone number is (571) 272-1976. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Dean Reichard, can be reached on (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.


DEAN A. REICHARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800
6/23/06